

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for  
2 Senate Bill Nos. 865 & 866, Page 1, Section A, Line 4, by inserting after all of said section and line  
3 the following:  
4

5 "338.010. 1. The "practice of pharmacy" means the interpretation, implementation, and  
6 evaluation of medical prescription orders, including any legend drugs under 21 U.S.C. Section 353;  
7 receipt, transmission, or handling of such orders or facilitating the dispensing of such orders; the  
8 designing, initiating, implementing, and monitoring of a medication therapeutic plan as defined by  
9 the prescription order so long as the prescription order is specific to each patient for care by a  
10 pharmacist; the compounding, dispensing, labeling, and administration of drugs and devices  
11 pursuant to medical prescription orders and administration of viral influenza, pneumonia, shingles,  
12 hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and meningitis vaccines by written protocol  
13 authorized by a physician for persons twelve years of age or older as authorized by rule or the  
14 administration of pneumonia, shingles, hepatitis A, hepatitis B, diphtheria, tetanus, pertussis, and  
15 meningitis vaccines by written protocol authorized by a physician for a specific patient as  
16 authorized by rule; the participation in drug selection according to state law and participation in  
17 drug utilization reviews; the proper and safe storage of drugs and devices and the maintenance of  
18 proper records thereof; consultation with patients and other health care practitioners, and  
19 veterinarians and their clients about legend drugs, about the safe and effective use of drugs and  
20 devices; the prescribing and dispensing of self-administered oral hormonal contraceptives under  
21 section 338.660; and the offering or performing of those acts, services, operations, or transactions  
22 necessary in the conduct, operation, management and control of a pharmacy. No person shall  
23 engage in the practice of pharmacy unless he is licensed under the provisions of this chapter. This  
24 chapter shall not be construed to prohibit the use of auxiliary personnel under the direct supervision  
25 of a pharmacist from assisting the pharmacist in any of his or her duties. This assistance in no way  
26 is intended to relieve the pharmacist from his or her responsibilities for compliance with this chapter  
27 and he or she will be responsible for the actions of the auxiliary personnel acting in his or her  
28 assistance. This chapter shall also not be construed to prohibit or interfere with any legally  
29 registered practitioner of medicine, dentistry, or podiatry, or veterinary medicine only for use in  
30 animals, or the practice of optometry in accordance with and as provided in sections 195.070 and  
31 336.220 in the compounding, administering, prescribing, or dispensing of his or her own

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1 prescriptions.

2         2. Any pharmacist who accepts a prescription order for a medication therapeutic plan shall  
3 have a written protocol from the physician who refers the patient for medication therapy services.  
4 The written protocol and the prescription order for a medication therapeutic plan shall come from  
5 the physician only, and shall not come from a nurse engaged in a collaborative practice arrangement  
6 under section 334.104, or from a physician assistant engaged in a supervision agreement under  
7 section 334.735.

8         3. Nothing in this section shall be construed as to prevent any person, firm or corporation  
9 from owning a pharmacy regulated by sections 338.210 to 338.315, provided that a licensed  
10 pharmacist is in charge of such pharmacy.

11         4. Nothing in this section shall be construed to apply to or interfere with the sale of  
12 nonprescription drugs and the ordinary household remedies and such drugs or medicines as are  
13 normally sold by those engaged in the sale of general merchandise.

14         5. No health carrier as defined in chapter 376 shall require any physician with which they  
15 contract to enter into a written protocol with a pharmacist for medication therapeutic services.

16         6. This section shall not be construed to allow a pharmacist to diagnose or independently  
17 prescribe pharmaceuticals.

18         7. The state board of registration for the healing arts, under section 334.125, and the state  
19 board of pharmacy, under section 338.140, shall jointly promulgate rules regulating the use of  
20 protocols for prescription orders for medication therapy services and administration of viral  
21 influenza vaccines. Such rules shall require protocols to include provisions allowing for timely  
22 communication between the pharmacist and the referring physician, and any other patient protection  
23 provisions deemed appropriate by both boards. In order to take effect, such rules shall be approved  
24 by a majority vote of a quorum of each board. Neither board shall separately promulgate rules  
25 regulating the use of protocols for prescription orders for medication therapy services and  
26 administration of viral influenza vaccines. Any rule or portion of a rule, as that term is defined in  
27 section 536.010, that is created under the authority delegated in this section shall become effective  
28 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
29 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested  
30 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
31 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
32 authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

33         8. The state board of pharmacy may grant a certificate of medication therapeutic plan  
34 authority to a licensed pharmacist who submits proof of successful completion of a board-approved  
35 course of academic clinical study beyond a bachelor of science in pharmacy, including but not  
36 limited to clinical assessment skills, from a nationally accredited college or university, or a  
37 certification of equivalence issued by a nationally recognized professional organization and  
38 approved by the board of pharmacy.

39         9. Any pharmacist who has received a certificate of medication therapeutic plan authority  
40 may engage in the designing, initiating, implementing, and monitoring of a medication therapeutic

plan as defined by a prescription order from a physician that is specific to each patient for care by a pharmacist.

10. Nothing in this section shall be construed to allow a pharmacist to make a therapeutic substitution of a pharmaceutical prescribed by a physician unless authorized by the written protocol or the physician's prescription order.

11. "Veterinarian", "doctor of veterinary medicine", "practitioner of veterinary medicine", "DVM", "VMD", "BVSe", "BVMS", "BSe (Vet Science)", "VMB", "MRCVS", or an equivalent title means a person who has received a doctor's degree in veterinary medicine from an accredited school of veterinary medicine or holds an Educational Commission for Foreign Veterinary Graduates (EDFVG) certificate issued by the American Veterinary Medical Association (AVMA).

12. In addition to other requirements established by the joint promulgation of rules by the board of pharmacy and the state board of registration for the healing arts:

(1) A pharmacist shall administer vaccines in accordance with treatment guidelines established by the Centers for Disease Control and Prevention (CDC);

(2) A pharmacist who is administering a vaccine shall request a patient to remain in the pharmacy a safe amount of time after administering the vaccine to observe any adverse reactions. Such pharmacist shall have adopted emergency treatment protocols;

(3) In addition to other requirements by the board, a pharmacist shall receive additional training as required by the board and evidenced by receiving a certificate from the board upon completion, and shall display the certification in his or her pharmacy where vaccines are delivered.

13. A pharmacist shall provide a written report within fourteen days of administration of a vaccine to the patient's primary health care provider, if provided by the patient, containing:

(1) The identity of the patient;

(2) The identity of the vaccine or vaccines administered;

(3) The route of administration;

(4) The anatomic site of the administration;

(5) The dose administered; and

(6) The date of administration."; and

Further amend said bill, Page 3, Section 338.347, Line 11, by inserting after all of said section and line the following:

"338.660. 1. For purposes of this chapter, "self-administered oral hormonal contraceptive" shall mean a drug composed of a combination of hormones that is approved by the Food and Drug Administration to prevent pregnancy and that the patient to whom the drug is prescribed may take orally.

2. A pharmacist may prescribe and dispense self-administered oral hormonal contraceptives to a person who is:

(1) Eighteen years of age or older, regardless of whether the person has evidence of a previous prescription from a primary care practitioner or women's health care practitioner for a self-administered oral hormonal contraceptive; or

1       (2) Under eighteen years of age, if the person has evidence of a previous prescription from a  
 2 primary care practitioner or women's health care practitioner for a self-administered oral hormonal  
 3 contraceptive.

4       3. The board of pharmacy shall adopt rules, in consultation with the board of registration for  
 5 the healing arts, board of nursing, and department of health and senior services, and in consideration  
 6 of guidelines established by the American Congress of Obstetricians and Gynecologists, to establish  
 7 standard procedures for the prescribing of self-administered oral hormonal contraceptives by  
 8 pharmacists. The board of pharmacy shall adopt rules and regulations to implement the provisions  
 9 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is  
 10 created under the authority delegated in this section shall become effective only if it complies with  
 11 and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This  
 12 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly  
 13 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are  
 14 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
 15 adopted after August 28, 2016, shall be invalid and void.

16       4. The rules adopted under this section shall require a pharmacist to:

17       (1) Complete a training program approved by the board of pharmacy that is related to  
 18 prescribing self-administered oral hormonal contraceptives;

19       (2) Provide a self-screening risk assessment tool that the patient shall use prior to the  
 20 pharmacist's prescribing the self-administered oral hormonal contraceptive;

21       (3) Refer the patient to the patient's primary care practitioner or women's health care  
 22 practitioner upon prescribing and dispensing the self-administered oral hormonal contraceptive;

23       (4) Provide the patient with a written record of the self-administered oral hormonal  
 24 contraceptive prescribed and dispensed and advise the patient to consult with a primary care  
 25 practitioner or women's health care practitioner; and

26       (5) Dispense the self-administered oral hormonal contraceptive to the patient as soon as  
 27 practicable after the pharmacist issues the prescription.

28       5. The rules adopted under this section shall prohibit a pharmacist from:

29       (1) Requiring a patient to schedule an appointment with the pharmacist for the prescribing  
 30 or dispensing of a self-administered oral hormonal contraceptive; and

31       (2) Prescribing and dispensing a self-administered oral hormonal contraceptive to a patient  
 32 who does not have evidence of a clinical visit for women's health within the three years  
 33 immediately following the initial prescription and dispensation of a self-administered oral hormonal  
 34 contraceptive by a pharmacist to the patient.

35       6. All state and federal laws governing insurance coverage of contraceptive drugs, devices,  
 36 products, and services shall apply to self-administered oral hormonal contraceptives prescribed by a  
 37 pharmacist under this section."; and

38  
 39 Further amend said bill, Page 10, Section 376.1237, Line 18, by inserting after all of said section  
 40 and line the following:

41       "376.1240. 1. For purposes of this section, the terms "health carrier" and "health benefit

1 plan” shall have the same meaning as defined in section 376.1350. The term “prescription  
2 contraceptive” shall mean a drug or device that requires a prescription and is approved by the Food  
3 and Drug Administration to prevent pregnancy.

4 2. Each health carrier or health benefit plan that offers or issues health benefit plans which  
5 are delivered, issued for delivery, continued, or renewed in this state on or after January 1, 2017,  
6 and that provides coverage for prescription contraceptives shall provide coverage to reimburse a  
7 health care provider or dispensing entity for a dispensing of prescription contraceptives intended to  
8 last for a:

9 (1) Three-month period for the first dispensing of the prescription contraceptive to an  
10 insured; and

11 (2) Twelve-month period for subsequent dispensations of the same contraceptive to the  
12 insured regardless of whether the insured was enrolled in the health benefit plan or policy at the  
13 time of the first dispensing.

14 3. The coverage required by this section shall not be subject to any greater deductible or co-  
15 payment than other similar health care services provided by the health benefit plan.

16 4. The provisions of this section shall not apply to a supplemental insurance policy including  
17 a life care contract, accident-only policy, specified disease policy, hospital policy providing a fixed  
18 daily benefit only, Medicare supplement policy, long-term care policy, short-term major medical  
19 policies of six months' or less duration, or any other supplemental policy as determined by the  
20 director of the department of insurance, financial institutions and professional registration.”; and

21  
22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.